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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,063	03/03/2006	Bruno Guillaume	016915-0282	9512

22428 7590 10/29/2008

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EXAMINER	
YOON, TAE H	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
10/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,063	GUILLAUME, BRUNO	
	Examiner	Art Unit	
	Tae H. Yoon	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/3/06, 5/3/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The recited “The use of” is non-statutory subject matter. Instead, “A method of using” is suggested.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited “like” in “Gel-like” and “sponge-like” is indefinite. The phrase "(or the) like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "(or the) like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The recited molecular weight for X) in claim 1 is indefinite absent a particular molecula weight such as a number average or weight average.

Improper Markush language is recited in claim 1, and a proper format is “selected from the group consisting of A, B, C, --- and Z”.

The recited layers of claim 4 improperly broaden scope of claim 1 and thus it is confusing and indefinite. Claim 1 recites a sponge(-like) structure of the matrix, but the

recited layer structure does not form said sponge(-like) structure as evidenced by the disclosure, PP [0031] of published US 2006/0252848 A1 wherein no penetration of a polymer B into a polymer A is taught. Thus, at least said polymer A is non-porous since a starting material (such as a monomer) for a polymer B does not penetrate into a polymer A, and said at least said polymer A does not have a sponge(-like) structure.

The recited "at least two different polymers A, B,..." in claim 1 and "the polymers A, B,..." in claims 2-6 is confusing and cancellation of "A, B,..." is suggested.

Claim 1 recites "--- a matrix from crosslinked polymers bearing hydrophilic groups, namely a.X) --- or Y) ---" and "at least two different polymers A, B,...". It is unclear and confusing whether said at least two different polymers A, B,... are said polymers X and Y or not. Also, the recited monomers for copolymers in Y) do not have hydrophilic groups, and thus it is indefinite.

The recited range with a range (preferably, like --- and especially ---) in claims 8, 15, 17, 29, 30 and 34 is indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-13, 16-19, 20 and 23-34 are rejected under 35 U.S.C. 103(a) as obvious over Hood et al (US 6,872,787).

Hood et al teach a two-phase polymeric composition comprising of a water soluble polymer and in situ-formed, substantially water-insoluble polymer, a gel thereof and a coated film thereof at col. 2, lines 49-54 and col. 4, lines 13-36 and in example 9 wherein PETE crosslinked vinylpyrrolidone in DMAEMA is taught. However, Hood et al teach and equate said PETE and PETA (pentaerythritol tetraacrylate) at col. 3, lines 44-51 and said vinylpyrrolidones and other monomers such as HEMA at col. 4, lines 1-5. Thus, use of said PETA and HEMA (or DMAEMA) in obtaining said water-insoluble polymer in said example 9 would be an obvious practice. Further crosslinking (post-treatment step) of the two-phase polymeric composition in order to obtain a hydrogel is taught at col. 4, lines 22-36. Example 15 shows employing about 16 wt% of a fragrance in forming a gel similar to air-freshener. Coating of the reaction mixture onto a substrate such as a polyester film (col. 4, lines 29-34) would yield an interpenetrating network since said reaction mixture would penetrate into said polyester film.

It is unclear whether all polymers in the recited “at least two different polymers A, B,…” are from the recited polymer X) and Y) as pointed out above. Thus, the examiner position is that one polymer discussed above meeting the instant polymer Y of Hood et al would meet the invention, and an additional polymer (water soluble polymer) of Hood et al can be crosslinked with a crosslinker other than the recited crosslinkers. The perfumed sheet of said example 15 would have the instant surface tension and voids inherently. The recited solvents of claim 17 encompass water, and a carrier of claim 20 encompasses the substrate of Hood et al. The instantly recited size of sheet and roll would be obvious design choice to one skilled in the art, and also, the recited use is

obvious to one skilled in the art as evidenced by such use in such places one could see while visiting such places.

Thus, it would have been obvious to one skilled in the art at the time of invention to utilize said PETA and HEMA (or DMAEMA) in obtaining said water-insoluble polymer in said example 9 and then post-treat as in example 15 with a perfume since Hood et al teach and equate said PETE and PETA, and said vinylpyrrolidones and other monomers such as HEMA (or DMAEMA) absent showing otherwise.

Claims 1-3 and 5-34 are rejected under 35 U.S.C. 103(a) as obvious over Bloch et al (US 4,340,057).

Bloch et al teach air-freshener at col. 8, line 58 to col. 9, line 2 and in examples 1 and 2. Bloch et al teach a matrix comprising an interpenetrating network at col. 5, lines 7-17. Various polymeric substrates and acrylic monomers including acrylamide (col. 4, lines 27-68) and multi-functional (meth)acrylate crosslinkers (col. 5, lines 18-38) are taught. Said polymeric substrates would meet the instant at least one polymer A. Various forms of the products such as webs, sheets or fibers and diaper, medical sponge and bandage, and additives such as perfumes and disinfectant are taught at col. 8, line 46 to col. 9, line 3. Said diaper and bandage are layered material inherently which would meet the instant claims 20-22. The perfumed swollen sheet of said example 2 would have the instant surface tension and voids inherently. The instantly recited size of sheet and roll would be obvious design choice to one skilled in the art, and also, the recited use is obvious to one skilled in the art as evidenced by such use in

such places one could see while visiting such places. The recited solvents of claim 17 encompass water.

The instant invention further recites 10-90% of fragrances or perfumes over said example 2.

However, it would have been obvious to one skilled in the art at the time of invention to modify an amount of perfumes in said example 2 of Bloch et al since it would be an obvious design choice depending on the desired final product, a higher amount of a perfume, a stronger and lasting effect of a perfume, absent showing otherwise.

Claims 1-3, 5-13, 18, 19 and 25-34 are rejected under 35 U.S.C. 103(a) as obvious over Shah (US 2003/0091529 A1).

Bootman et al teach a perfumed gel of a crosslinked maleinized polymer in abstract and examples. The instant invention further recites at least two polymers. But, Shah teaches optionally employing one or more of polymer and crosslinker thereof in [0024]. A solid state air freshener and use of a solid casing are taught in [0031]-[0032]. Use of additional different polymer would yield an interpenetrating network.

The perfumed gel would have the instant surface tension and voids inherently. The instantly recited size of sheet would be obvious design choice to one skilled in the art, and also, the recited use is obvious to one skilled in the art as evidenced by such use in such places one could see while visiting such places.

It would have been obvious to one skilled in the art at the time of invention to utilize one or more of crosslinked polymer in Shah since Shah teaches such modification absent showing otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1796

THY/October 27, 2008 /Tae H Yoon/